

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABDELHAFIZ M. NOFAL,

Plaintiff,

-against-

IMCMV TIMES SQUARE LLC, *doing business as* Margaritaville Resort Times Square,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/6/2023

22-cv-3104 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of: (1) the parties' letter dated March 28, 2023 requesting additional time to complete discovery [ECF No. 23]; (2) the parties' response to the Court's Order To Show Cause [ECF No. 25]; (3) the parties' April 3, 2023 status report [ECF No. 26]; and (4) Defendant's request for a pre-motion conference and motion for summary judgment [ECF No. 27, 28].

As the parties are aware, in an Order dated December 14, 2022, the Court instructed the parties to complete fact discovery by March 30, 2023 and warned: "The Court will not further extend the deadlines to complete discovery" [ECF No. 22]. And, as the Court explained in its recent Order To Show Cause, the parties were required to submit a status report by March 27, 2023 but failed to do so. The parties' March 28, 2023 request for a further extension of time to complete fact discovery, which does not even acknowledge the Court's previous warning that no such extension would be granted, is DENIED. As far as the Court is concerned, the time to complete fact discovery has passed, and the Court will not entertain any disputes or requests in connection with fact discovery.

While it seems clear that the parties do not contemplate taking expert discovery, the Court in previous orders allotted time for expert discovery. The Court will therefore ADJOURN the Post Discovery Conference from April 10, 2023 until May 22, 2023 at 11:00 a.m.

Defendant's request for a pre-motion conference regarding summary judgment [ECF No. 27] is DENIED without prejudice. Defendant's motion for summary judgment [ECF No. 28], which it filed without leave, is DENIED without prejudice for failure to comply with the Court's Individual Rules.

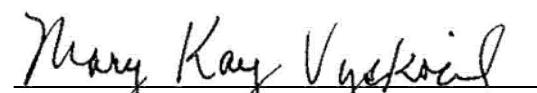
The parties must file a joint status letter and pre-motion letters for any contemplated post-discovery dispositive motions by May 15, 2023.

The Court finds that sanctions are not necessary or appropriate at this time. **The parties are on notice that failure to comply with court orders and the Court's Individual Rules may result in sanctions, including monetary sanctions, preclusion of claims and defenses, and dismissal of this action with prejudice.**

The Clerk of Court respectfully is requested to terminate the motions at docket entries 27 and 28.

SO ORDERED.

Date: April 6, 2023
New York, NY


MARY KAY VYSKOCIL
United States District Judge